

EXPEDITED PROCEDURE – MAIL STOP AF
U.S. Serial No. 09/931,960
Attorney Docket No. 42390P10675

REMARKS

The applicant has carefully considered the Office action dated August 3, 2005 and the references it cites. By way of this Response, claim 1 has been amended. Claims 1-26, and 28-30 are pending at issue, with claims 1, 11, and 21 being independent. As explained below, it is respectfully submitted that all pending claims are in condition for allowance and favorable reconsideration is respectfully requested.

In the Office action dated August 3, 2005, claims 1-26 and 28-30 were rejected as unpatentable over Thompson et al. (U.S. Publication No. 2004/0214572) in view of paragraph [0031] of the instant application cited and called "Applicant Admitted Prior Art" by the Examiner. The applicant respectfully traverses each of the rejections.

The applicant respectfully submits that independent claims 1, 11, and 21 are patentable over the art cited in the Office action. In one example, independent claim 1 recites, *inter alia*, an apparatus that controls transmission at an access point of a first beacon signal and a second beacon signal in a successive manner, wherein the first and second beacon signals are different beacon signals with the first beacon signal comprising information associated with a first wired communication network and the second beacon signal comprising information associated with a second wired communication network. No such structure is disclosed or suggested in the cited reference.

Briefly, as set forth in detail below, none of the cited references discloses or suggests controlling transmission at an access point of a first beacon signal and a second beacon signal in a successive manner with the first and second beacon signals being different beacon signals. Because none of the cited references makes such a disclosure, no combination of these references, even if there were motivation for such a combination, can result in the claimed apparatus, method, or system of the pending claims.

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It was acknowledged in the Office action dated September 29, 2005 that Thompson et al. fails to disclose or suggest controlling transmission of a first beacon signal and a second beacon signal in the wireless transmission medium from the transceiving circuit, the first beacon signal comprising information associated with the first wired communication network and the second beacon signal comprising information associated with the second wired communication network. Briefly, the AP disclosed in Thompson et al. does not transmit multiple beacon signals with one beacon signal for each wired communication network accessible via the AP. Instead, Thompson et al. disclose a system including an AP that transmits a single beacon signal including a list of possible extended service set IDs (ESSIDs) corresponding to all of the wireless service providers supported by the AP. A portable computing device (PCD) (e.g., a subscriber) receives this single beacon signal from the AP and selects an ESSID from the list of possible ESSIDs. *See, e.g.,* Thompson et al., paras. [0158] and [0159], and FIG. 7. Thus, the beacon signal of Thompson et al. is fundamentally different than the claimed beacon signals.

To cure the deficiencies of Thompson et al., the Office action turns to paragraph [0031] of the instant patent application. Contrary to Office Action's proposed interpretation, paragraph [0031] is not an admission of prior art by the applicant. *See* MPEP 2129. Instead, as discussed in the telephone conference of September 29, 2005, paragraph [0031] provides an example or one embodiment of the present invention for controlling transmission at an access point of a first beacon signal and a second beacon signal in a successive manner with the first and second beacon signals being different beacon signals.

In particular, the first sentence of paragraph [0031] expressly indicates that "[a]ccording to an embodiment, a wireless access point providing access to multiple wired communication networks may transmit multiple beacon signals, one beacon signal for each of the wired communication networks accessible via the access point." As evident throughout

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the instant patent application, the wireless access point described in the instant patent application may operate in accordance with a variety of suitable protocols but the wireless access point may operate according to WLAN standard IEEE 802.11 as described in an example by the second sentence of paragraph [0031]. *See, e.g.*, paragraph [0029] (“According to an embodiment, the wireless access point 100 shown in FIG. 2 or wireless access point 200 shown in FIG. 3 may be a part of a wireless communication network according to the WLAN standard IEEE 802.11.”); *see also*, the fourth and fifth sentences of paragraph [0025] of the instant patent application.

The intent of the original drafter of the instant patent application was to use the second sentence of paragraph [0031] merely as an example or one embodiment of the present invention with the wireless access point configured to operate in accordance with the WLAN standard IEEE 802.11 as basic service set (BSS) and extended service set (ESS) are defined by that particular protocol (e.g., “In a wireless access point according to the WLAN standard IEEE 802.11, for example” (emphasis added)). The intent of the original drafter for the second sentence of paragraph [0031] is further evident in the last sentence of paragraph [0031] (“However, this is merely an example of how an access point may provide a different beacon signal for each wired communication network accessible by the wireless access point and embodiments of the present invention are not limited in this respect.”). Thus, paragraph [0031] is not an admission of prior art by the applicant.

Because paragraph [0031] is not an admission of prior art and Thompson et al. fails to disclose or suggest controlling transmission at an access point of a first beacon signal and a second beacon signal in a successive manner with the first and second beacon signals being different beacon signals, it follows that there is no combination of references to render the pending claims obvious. Accordingly, the obviousness rejections based thereon should be withdrawn.

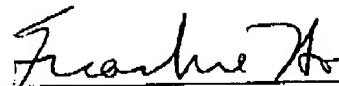
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For at least the foregoing reasons, it is respectfully submitted that the pending claims are in condition for allowance. If, for any reason, the examiner is unable to allow the application in the next Office action, the examiner is encouraged to telephone the undersigned attorney at the telephone number listed below to discuss this matter.

The Commissioner is authorized to charge any fee deficiency required by this paper, or credit any overpayment, to Deposit Account No. 50-0221.

Respectfully submitted,

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